

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 262 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA. and  
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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KALINDI INVESTMENTS PVT. LTD.

Versus

COMMISSIONER OF INCOME TAX

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Appearance:

MR KC PATEL for Petitioner  
MR MANISH R BHATT for Respondent No. 1

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CORAM : MR.JUSTICE R.BALIA. and

MR.JUSTICE A.R.DAVE

Date of decision: 06/04/99

ORAL JUDGEMENT

#. At the instance of assessee following question of law arising out of its appellate order in ITA No. 1347 to 1351 of 1982 relating to assessment years 1965-66 to 1969-70, the Income Tax Appellate Tribunal, Ahmedabad Bench C has referred the following question of law for

the opinion of this Court:

"Whether on the facts and in the circumstances  
of the case, the Development Rebate originally  
granted was properly withdrawn?"

#. When the matter came up for hearing it has been stated by learned counsel for the assessee that in assessee's own case this court in Kalindi Investments (P) Ltd. vs. CIT 213 ITR 207, the aforesaid question has been answered against the assessee and in favour of the revenue. Following the aforesaid decision, the above question is also answered affirmatively in favour of the revenue and against the assessee.

There shall be no order as to costs.

(Rajesh Balia, J) (A.R.Dave, J)